

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicant(s): Glen H. ERIKSON et al.

Serial No: 09/664,827

Group Art Unit: 1637

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Examiner: S. Chunduru

Att. Docket No.: E1047/20044

Confirmation No.: 4947

For: QUADRUPLIX DNA AND DUPLEX PROBE SYSTEMS

DECLARATION UNDER 37 C.F.R. § 1.132Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Jasmine I. Daksis, Ph.D., a citizen of Canada, hereby declare and state:

1. The curriculum vitae attached as Exhibit A to my Rule 132 Declaration submitted January 18, 2002 in this application accurately reflects my professional credentials.

2. I am a joint inventor named in the above-identified application, as well as the Senior Scientist of Ingeneus Research, an affiliate of the assignee of the application, Ingeneus Corp. As such, I am familiar with the application and the correspondence with the United States Patent and Trademark Office relating to the application.

3. I have reviewed the McGavin references cited of record in this application. The McGavin references disclose theoretical, computer-based models for multiplex nucleic acid sequences, but do not disclose or suggest how the virtual structures depicted by the computer models could be prepared using real nucleic acids. McGavin reveals nothing regarding hybridization conditions, such as temperature, time, hybridization medium, hybridization

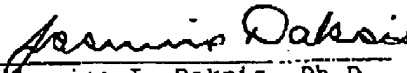
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Application No. 09/664,827

promoters, etc. Thus, a person of ordinary skill in the art at the time of the invention would have been unable to apply the teachings of McGavin to produce physical structures corresponding to the virtual structures depicted by McGavin.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: 30 September 2004

  
Gasmine I. Daksis, Ph.D.

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